

TOWN OF WILTONZONING BOARD OF ADJUSTMENTJUNE 14, 1993

VOTING BOARD: Chairman Neil Faiman; members Tom Mitchell & Jim Tuttle;
alternate member Cynthia Harris.

CLERK: Diane Nilsson

AGENDA: James & Laura LaRue - request for a variance.

Chairman Faiman called the meeting to order at 7:37 p.m. and explained that since there was only a voting board of four present this evening, the LaRue's had the option of postponing a hearing until a five-member board could be present. The LaRue's stated that they would prefer to go ahead and hold the hearing this evening. Mr. Faiman also stated that all Board members have made visits to the site and are familiar with it.

Case # 6/14/93-1 LA RUE

James & Laura LaRue (applicants) and Forrest Hussey/Pro-Cut, Inc. (owner), Lot L-027, Intervale Road (the site of the "Merit Tool" building), in the Residential District, requested a variance to the terms of Section 5.1 of the Wilton Zoning Ordinance to permit an automobile and light truck repair business.

Laura LaRue stated that she and James would like to move their auto & light truck repair business to the "Merit Tool" building on Intervale Road. She presented a drawing of the site and how it might look if they moved there. She stated that the hours of operation would be M-F 8 a.m. - 6 p.m., S 9 a.m. - 3 p.m. in winter and closed both Sunday and Monday in the summer. All operations will be inside the bldg. She said that they plan to park their own vehicles on the side of the bldg. and cars that are waiting to be worked on or picked up will be parked in back of the bldg. No cars will be parked in front of the bldg. There is room for 5-8 vehicles to be parked in back of the building. The LaRue's will be installing a garage door in the front of the building. Ms. LaRue stated that she, her husband and sometimes their oldest son will be the only employees at present. In the future they would like to add one more employee. All business, except for an occasional emergency, is done by appointment.

Ms. LaRue continued and stated that anti-freeze is recycled and picked up by Northeast Recycling Svs., Portsmouth, NH; metal is picked up and recycled and oil is picked up by Winkel Auto Inc, Milford, NH (see letter in file).

The LaRue's now work on between 5-10 cars at one time. The "Merit Tool" building is 2000 square feet and will hold 8-9 cars at one time. They plan to have six cars at one time inside. The rest would be parked in back. Ms. LaRue stated that they are willing to fence the property to provide a screen for neighbors. She also stated that they will be doing no bodywork. Ms. LaRue then read the five criteria that must be met.

Resident Steve Blanchard stated that the building has in the past been a garage by two different owners, then a body shop, then Pro-Cut. He felt that this use is appropriate at this site. He also stated that he has found the LaRue's to be honest in his dealings with them.

Resident Dave Comtois stated that Mr. LaRue is a very honest, up-front mechanic. Bldg. Inspector Frank Milward stated that in 1991 the Planning Board placed some restrictions & made some suggestions on Mr. LaRue's operation at its present site. Mr. LaRue has complied with all suggestions & restrictions made. The shop is clean & safe, he stated, and he feels that Mr. LaRue will respect his neighbors' rights.

Resident Bill Goddard supported the project.

Resident Jeanne Knight supported the project and felt that it would be an improvement over the vacant building now.

Abutter Bob Landry stated his concern about noise and the effect on property values.

Resident Ken Blanchard stated that he had no objection to the proposal.

Resident Jack Skelly (lives 200' down from the property) stated his concern that his property values will be adversely affected. He also felt that 6-7 cars cannot fit inside the bldg. and wondered where they will really go.

Abutters Matt & Lisa Davidson stated their support of the project but requested that there be a fence around the property.

Town assessor Dick Rockwood stated that it is hard to prove that property values will be hurt or helped with the addition of this business. There may exist a stigma with buyers that prices should be lower near a garage but right now the building is empty & fairly unattractive and that may have an impact too.

Resident Ken Knight (lives on Intervale Rd.) stated his support of the project and added that he has a trucking business in his home and there is a dog kennel business & a real estate business currently on Intervale Road. He also stated that the abutting Town landfill is much more of a property value detractor than a garage would be.

Resident Jeanne Knight pointed out that when Pro-Cut & Merit Tool were in business, they always parked 5-7 cars in front of the building.

Resident Helen Egan stated her concern that promises are often made by applicants and then not kept after they are given the O.K. by the Town. Everything the applicants say sounds good but she wants the Board to be sure the promises are carried out.

Resident Wendy Blanchard stated that in her opinion, Mr. LaRue would work inside as he stated.

Resident Richard Zwicker stated that he feels that Mr. LaRue is a good mechanic and does keep his word.

Mr. Faiman read a letter from resident Deborah Ducharme stating her support of the project.

Mr. LaRue reiterated that he has an average of nine cars at one time on his property and plans to have six at one time inside the garage.

Board deliberation followed:

Mr. Tuttle pointed out that many residences on Intervale Road are multi-family.

Mr. Mitchell stated that he is in favor of the project because of the LaRue's integrity - but concerned about future tenants who this variance will also apply to.

Mr. Faiman stated his support with strong conditions such as fencing, indoor use only and parking in back only.

MOTION: Ms. Harris moved to grant the variance with the following restrictions:

1. Applicants will install solid wooden stockade fencing, at least 6' in height, on sides and rear of property, to be maintained in good condition.
2. Customer vehicles to be stored behind the building & inside the fence.
3. Temporary parking only to be allowed in front of the building (deliveries, salesmen, customer vehicle drop-off).
4. No exterior work allowed except as necessary to make it possible to move vehicles inside.
5. No body work or painting whatsoever.
6. Hours of operation: 8 a.m. - 6 p.m. M - F
9 a.m. - 3 p.m. Saturday

The motion was seconded by Mr. Tuttle with all board members in favor.

Mr. Faiman stated that the variance was granted with the aforementioned conditions. The applicants will receive written notice of approval from the Board within the next week or so. He also stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before July 5, 1993, and must fully specify all grounds on which the rehearing is requested. Mr. Faiman further stated that the LaRue's must still go before the Planning Board for a site plan review hearing.

The Board found the following reasons for approval:

1. The proposed use would not diminish the surrounding property value because **the LaRue's are returning the bldg. to its original intent and therefore should not change property value any more than it did originally.**
2. Granting this variance would be in the public interest because **it would eliminate a nonproductive, vacant building and relocate a local, already established repair facility.**
3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make this property unique from other properties in the same zone: **The property in question has no other use or value other than commercial or industrial, due to the construction style of the building.**
4. Granting the variance would do substantial justice because **it would allow reasonable use of existing land and building that had been built for the very use requested here.**

5. The use is not contrary to the spirit of the ordinance because **this business would provide adequate provision of public utilities and other public requirements without being an eyesore or disruptive to the neighborhood.**

MOTION: Mr. Faiman moved to accept the criteria as written by the LaRue's, seconded by Mr. Mitchell with all in favor.

NEW BUSINESS

MINUTES - May 12, 1993

MOTION: Mr. Mitchell moved to approve the 5/12/93 minutes. The motion was seconded with all in favor.

MOTION: There was a motion to adjourn the meeting, with all in favor.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Diane Nilsson, Clerk

Posted: June 21, 1993